IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

Tr.P(C).No. 301 of 2006()

TO TRANSFER OPHMA.838/2006 of FAMILY COURT, ALAPPUZHA TP FAMILY COURT MALAPPURAM TO BE TRIED ALONG WITH M.C.647/06 PENDING BEFORE THAT COURT

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PETITIONER

VINITHA, D/O. VELAYUDHAN,
'SREEVARNA', A.R.NAGAR, CHENDAPURAI,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT:

SUNIL KUMAR K.G., S/O. GANGADHARAN,
KARINGATTIL VADAKKETHIL, ANAGADIKKAL SOUTH,
CHENGANNUR, ALAPPUZHA DISTRICT.

BY

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

TR.P.(C)301/06

ORDER ON I.A.NO.3431/06 IN TR.P(C)301/06

DISMISSED

8.1.07. SD/-M.SASIDHARAN NAMBIAR, JUDGE.

/TRUE COPY/

PA TO JUDGE.

M.SASIDHARAN NAMBIAR,J.

Tr.P.(C)No.301 OF 2006

DATED THIS THE 8th DAY OF JANUARY, 2007

ORDER

Petitioner is the wife. Respondent is the husband. Petitioner filed O.P.423/05 for divorce before Family Court, Malappuram. She also filed M.C.647/06 before the same Court claiming maintenance from respondent. Respondent filed O.P.(HMA)838/06 before Family Court, Alappuzha, claiming restitution of conjugal rights. This petition is filed by the wife to get that case transferred to Family Court, Malappuram.

2. Though notice was sent to respondent, he did not appear or objected to transfer.

3. Learned Counsel appearing for petitioner was heard.

4. Learned Counsel appearing for petitioner pointed out that O.P.423/05 was later allowed and respondent subsequently filed an application to set aside the exparte order for divorce and that petition was also dismissed and it is thereafter, respondent filed O.P.(HMA) 838/06.

Considering the fact that petitioner is a native of Malappuram and the divorce case was filed before Family Court, Malappuram and

the case for maintenance is also pending before that Court, petition is allowed. O.P.838/06 pending before Family Court, Alappuzha is withdrawn and transferred to Family Court, Malappuram for disposal in accordance with law.

M.SASIDHARAN NAMBIAR,JUDGE

Acd